

GARNEAU-MOORE CASE HEARD

Decided Two Points and the Honors Were Divided.

BOTH PARTIES WILL APPEAL AT ONCE

Personal Expenses of the Commissioner General Amounting to Several Hundred Dollars Will Not Be Paid Until the Voucher is Revised.

LANSING, Oct. 30.—[Special to The Bee.]—The controversy between Auditor Moore and Commissioner General Garneau, passed its first legal stage this forenoon when Judge Strode of the district court in and for Lancaster county handed down his opinion in the case brought by Garneau to compel the auditor to issue his warrants for a number of disputed accounts.

Mr. Garneau brought two actions, one to compel the auditor to issue a warrant for the amount due Henry Dibble & Co. for the furniture dealers of Chicago who had a claim of \$3,238 for furniture, etc., placed in the Nebraska building.

In this case Judge Strode held that the vouchers were sufficient and in proper form. He decided that the commissioner general was an independent state officer in charge of the audit and that the warrants could not be questioned by the auditor unless fraud was charged. In this case no fraud was charged and therefore the court held that it was the auditor's duty to issue his warrants for the payment of the amount of the claim. He directed the auditor to issue the warrant at once, a motion for a new trial being refused.

In the other case Commissioner General Garneau asked the court for an order compelling the auditor to issue to him a warrant for \$223.78 for personal expenses, etc. In this case the court held that the vouchers were insufficient and that the auditor was justified in refusing to pay the claim. He therefore dismissed the case.

Motions were made in both cases for a new trial, but in both instances the court overruled. Forty days were granted both sides in which to prepare bills of exception and take the cases to the supreme court. Auditor Moore was absent from his office today and consequently could not be seen for an expression of his views upon the future of the case. His attorney, Mr. H. A. Rosen, said that he simply wished to let the duty in the matter and that he had no personal feeling whatever in the cases.

Brookway Adjudged Insane.

O. H. Brookway, the man whose inordinate passion for liquor drove him to a state of mental derangement in this city one week ago, was this afternoon adjudged insane by the Board of Insanity and taken to the State Hospital for the insane near this city. The charge of insanity was preferred against him by R. S. Johnson, proprietor of the Central hotel, where he has been residing since the last of the year and since the last Saturday afternoon, he made an ineffectual attempt to commit suicide by swallowing a quantity of ether. He rested easy during that night and yesterday, after a consultation, his friends determined that the only course open to him was to place him in an asylum, where it is believed he will soon recover the full use of his mental faculties. He has many friends and it is generally maintained that he is simply mentally unbalanced through drink and the tragedy which took place at his home last Monday night.

Sewell's Case Postponed.

The case of the state against W. D. Sewell, who is charged with defrauding one of the contractors who defrauded the state in the matter of furnishing supplies to the state insane asylum, was to have been heard in the district court this afternoon, but the state secured a continuance. It is stated upon good authority that the state does not desire to proceed with the trial, but the state is not likely to be dissuaded by the same array of legal talent that was brought out at the Denver trial, but he boasts freely that his acquittal is certain and that his trial is only a matter of form. The charges against Sewell are very similar to those against Dorgan. He is charged with contracting for supplying flour for the use of the asylum during the years 1891 and 1892, with the exception of a few months in each year. He is charged with collecting pay from the state for large quantities of flour which he did not deliver.

Gossip at the State House.

Amended articles of incorporation of the Farmers Union Insurance company of Grand Island were filed in the office of the secretary of state this afternoon. The Globe Clothing company of Harrington, Neb., filed its articles of incorporation with the secretary of state this morning. It has a capital stock of \$10,000.

W. Johnson of the Board of Transportation is at Kimball, Neb., today to investigate a complaint against the railroad company at that place.

State Treasurer Bartley is in Chicago talking in the closing hours of the world's fair.

W. A. Dilworth and J. W. Koonz, two secretaries of the State Board of Transportation, are at O'Neill today looking into the demands of the shippers of that place for a transfer switch under the law passed by the last legislature.

Sheriff Costello of Grand Island was at the governor's office to report his trip to Salt Lake City in pursuit of William Gibson and Paul Hackett, two men who robbed Foley's saloon at Grand Island two weeks ago. Costello secured a requisition from Governor Crouse and went to the Utah capital, where he is now.

The State Board of Transportation will go to Schuyler tomorrow to take testimony in the transfer switch case at that point. Stenographer Beardsley will accompany it.

Auditor Moore has as yet not returned from his trip to Ottawa to report on his visit to his mother last Saturday.

The case of O. A. Cooper and J. B. Wright against the Davis mill company was filed with the clerk of the supreme court this afternoon. It comes from Lancaster county.

One case from Douglas county was filed with the clerk of the supreme court this afternoon. It is entitled P. C. Patterson against J. J. Carroll.

Rev. Frank Crane's Proposed Lecture. The lecture to be given Friday evening in Emmanuel Methodist Episcopal church, Thirteenth and N, is a most interesting and considerable interest in the lecturer, Rev. Frank Crane, pastor of the First Methodist Episcopal church, Omaha. Mr. Crane has a splendid presence and is one of the first pulpiter in the western states. He was formerly pastor at Bloomington, Ill. One year ago he was elected to Omaha by unanimous request of the First Methodist Episcopal church. His success in financial administration and pulpit work has been almost phenomenal. Almost 1,400 people crowd the church twice each Sunday, winter and summer. Today the First Methodist Episcopal church pulpit ranks with the foremost in the west.

Mr. Crane seldom goes before the public as a lecturer, but when he does he delivers no idle message; he speaks with tremendous power. His lecture, "What You Do With It," is one prepared especially for the times.

Warden Beemer on the Fire. Warden Beemer has transmitted to Governor Crouse an official report on the fire at the penitentiary last week. It is the warden's opinion that the fire originated in the sleeping room of the stove works and was caused by spontaneous combustion. In his report the warden details the fight of the flames and compels the members of the Lincoln department to see that they are not lulled by the fire.

He also endorses all the acts of Deputy Warden Wagner, and says that a complaint against him, made by the Lincoln department, is unfounded. Warden Beemer thinks the building can be repaired and put in better shape than before the fire for \$10,000. W. H. Dorgan gets a pretty bit of praise for the part he took in fighting the flames, and then the warden turns his attention to the hero of the fire, the man who stood in the burning boiler room and kept up steam to run the pumps.

In the concluding paragraphs the report says: "I desire most especially to call your attention to one Frederick Pulver, No. 2331, the night fireman in the boiler plant, and whose bravery deserves official recognition. The many statements with reference to this man's conduct during the fire are to the effect that he was brave and courageous in the discharge of his duty. The duty consisted of keeping a required pressure of steam on the boilers. Without steam our pumps could not run, and without the use of the pump our water supply would have been inadequate to meet the demands, and our loss must necessarily have been greater."

"Pulver, as I am informed, in the face of impending danger and threatened with flames and falling timber, bravely stood his post, regardless of the protests of the firemen to retreat to a place of safety. I feel that such conduct, unsolicited, on the part of a convict should be recognized, and would therefore most respectfully recommend in this case that the said Frederick Pulver, convict, No. 2331, whose term expires in April, 1894, and having distinguished himself by brave and meritorious services to the state of Nebraska, that he be granted a free and unconditional pardon."

Charged with a Serious Crime. County Attorney Woodward today made out a complaint charging Guy St. Clair of Waverly with assault upon Edward Hall, a colored man, who is now in jail. A warrant was issued and Deputy Sheriff Trimble took the noon train for Waverly for the purpose of putting St. Clair under arrest. The particulars of the assault were given in The Bee of this morning in a dispatch from Waverly. Mr. Samuel Hall, the uncle of the injured man, made the complaint and he gives a slightly different version of the affair. He says that young Hall and St. Clair live on adjoining farms and that the blood feud between them has been going on for some time. Sunday St. Clair was standing on the streets at Prairie Home when he saw Hall approaching on horseback. He remonstrated with him, but if Hall came near enough to him he would "do him up," or words to that effect. Hall dismounted and tied his horse and started to walk away. St. Clair followed him and Hall started to run. He fell, however, and before he could get up St. Clair was upon him.

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INTERESTED IN POLITICS

Pronged, the Assessor of Carter Harrison Admires Senator Allen.

Wrote a Letter to the NEBRASKA MAN

He Was Anxious to See Unconditional Repeal Decried and Advised Its Opponents to Stand Firm in the Fight.

WASHINGTON BUREAU OF THE BEE. 519 EIGHTEENTH STREET. WASHINGTON, Oct. 30.

Senator Allen of Nebraska is another statesman who has been receiving attention from Pronged, the assassin of Mayor Carter Harrison. Senator Allen the other day received a letter from the Chicago crank, in which he praised the position occupied by the populists in the senate on the silver bill, urged the Nebraska orator and statesman to stand firm and assured him that success would crown his efforts.

The tone of the letter was similar to the expressions written to Senator Dabbs of Idaho on a number of postal cards and detailed in a Ben special last night. The spirit was violent toward the unconditional repealists. The letter has been mislaid by Senator Allen.

Nebraska Curry Case Dismissed.

The supreme court of the United States today dismissed for want of jurisdiction the case of the Schuler National bank against the Board of Directors of the United States court of Nebraska. It was a busy case and was urged last week, as was mentioned at the time by a Ben special. The sum involved was for original and warrant against the hands of the court here, but it seems that some of the national banks in Nebraska desired to decide upon the question involved in the line of the case as it related to at least certain points in dispute. The case stands against the bank.

Pronged's Case Objected. An impression has gained ground in South Dakota that the forestry bill has been defeated in the house. This is wrong. The measure has a day and a time set apart for its consideration and Representative Pickens of South Dakota is in the fight. It is not until the time was exhausted that the bill could not be secured. The bill will come before the house as unfinished business, and it is not until the time is exhausted that the bill will be adopted. Its operation would be against the interests of the prairie states, as it authorizes the secretary of the interior to dispose of all timber on the public domain at his discretion.

The measure was designed to benefit some logging and saw mill companies in Arkansas, where there are immense tracts of timber lands which are only valuable for the timber upon them. If an amendment were offered to the effect that the timber on the public domain in the prairie states and territories it would find little objection and it is possible that such an amendment may yet be added either in the house or senate.

Representative Lucas of South Dakota, who represents that section of his state which embraces the Black Hills, where there are valuable public timber lands, is also up in arms against the measure and is represented by the fact that an amendment is not adopted which will protect the timber on the public domain in the prairie states and territories.

New Western Postmasters. Postmasters appointed today: Nebraska—Benjamin C. King, removed; Unadilla, Oteo county, J. L. Davis, vice Burton Dorman, removed.

Iowa—Dexter, Dallas county, G. A. Crane, vice J. T. Thraher, removed; Haven, Tama county, R. M. Clem, vice Robert Irving, removed; Keosauqua, Boone county, W. D. Armstrong, vice James Hanner, resigned.

Miscellaneous. Mr. Donald McCraig, the chief clerk of the Department of Agriculture, has gone to Chicago for a few days.

Mr. J. B. McGowan of New York has been approved as reserve agent for the Union National of Omaha; the American Exchange National of Chicago, for the First National of Denver, in the First National of Minneapolis for the Farmers National of Osage, Ia.; the Bankers National of Kansas for the National bank of Canton, S. D.; First National of Chicago, for the National National,